

REMARKS

Minor amendments have been made to the specification. Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, and 59 have been amended. Claims 60 - 61 have been added. No new matter has been introduced with these amendments or added claims, which are supported in the specification as originally filed. Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, and 58 - 61 are now in the application.

I. Rejection Under 35 U.S.C. §103(a)

Paragraph 4 of the Office Action dated July 30, 2003 (hereinafter, "the Office Action") states that Claims 1, 7 - 8, 20, 26 - 27, 39, 45 - 46, and 58 - 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Daly et al. (U. S. Patent 5,878,141) in view of Bezos et al. (U. S. Patent 6,029,141). This rejection is respectfully traversed with reference to the claims as amended herein.

Paragraph 4 of the Office Action admits that Daly does not teach gathering context information, including this information in a payment protocol message, and so forth, and then states that Bezos teaches these limitations. Differences between the teachings of Bezos and Applicant's claimed invention will now be described to demonstrate that Bezos does not, in fact, teach Applicant's invention.

In Bezos, a Uniform Resource Locator ("URL") conveys an associate/store identifier ("ID"), product ID, and optionally a commission method ID, and is sent from a customer's browser via a request message to a merchant with whom the associate is enrolled. Upon

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receiving this information (or upon receiving a purchase request for the product identified in the URL) at the merchant, the merchant credits the associate's account with a referral credit.

A number of references in Bezos make clear that the merchant is responsible for this referral processing. In contrast, Applicant's invention uses a model where the merchant is not necessarily trusted. (Applicant's invention is described in more detail below.) References in Bezos to performing referral processing at the merchant include the following:

- Col. 2, lines 61 - 65, "Software running on the merchant site then uses the information collected within the shopping cart to identify, and appropriately credit the account of, each associate that provided a corresponding referral." (emphasis added)
- Col. 7, lines 30 - 34, "A computer program 144 of the merchant Web site 106 uses this information ... to credit the sale (referral) to the associate ..." (emphasis added). Lines 43 - 45 of col. 7 are similar.
- Col. 9, lines 4 - 5 state that the merchant identifies and credits the (referring) associate.
- Col. 12, line 52 - col. 13, line 8 explain the processing that occurs in the computer program 144 on merchant Web server 132 when the customer clicks on a referral link. It is clear from this discussion that the parsing of the URL, and extraction of referral information contained therein, is performed by this merchant software.
- Col. 13, lines 10 - 14 and lines 17 - 19 discuss the merchant handling associate referrals, using information the merchant has recorded in a shopping cart data

structure. See also col. 13, lines 31 - 34 and col. 15, lines 39 - 44 and 55 - 60, stating that the shopping cart stores information used to keep track of referrals. (According to reference number 152 of Fig. 1 and the text at col. 13, lines 35 - 37, the shopping cart is stored at the merchant Web site 106.)

- Col. 14, lines 64 - 67, stating "After processing a referral URL, the merchant Web server 132 sends the detail page 136 [identified in that URL] to the customer's Web browser 112 ...".
- Col. 15, lines 61 - 62 also states "The merchant Web site includes credit generation software for calculating associate referral credit."

This merchant-performed processing is according to Bezos' technique of including information in a URL, where the entity responsible for processing that URL is the merchant site. See, for example, col. 2, lines 1 - 3, explaining that the referral information "is transmitted to the merchant's site when a user (customer) clicks on the referral link". See also col. 8, lines 59 - 62, discussing the "URL-embedded referral information".

In Applicant's invention, TV context information (that can subsequently be used for computing commissions) is sent from a consumer, through a merchant, to a bank (or the bank's gateway). This latter entity is referred to in the claims as a "payment processor". The TV context information is protected during these transmissions, using (for example) a digital signature. Therefore, the merchant can only forward this information but, importantly, cannot modify it. This is in contrast to Bezos' technique of including referral information in a URL, as

shown in Fig. 4, where this URL-specified content is directed to the merchant (and is intended to be processed by the merchant). Bezos thereby fails to protect the referral content from alteration by the merchant.

The technique disclosed in Bezos, where the referral information is specified in a URL in the clear, is designed for a model where URL-specified content is statically embedded within the URL when initially creating the HTML content for a page from which the URL will be selectable by a user. See, for example:

- Fig. 4, illustrating a static identification of product and associate IDs;
- col. 10, lines 50 - 57, stating that an e-mail message will be sent to the associate (upon processing the associate's enrollment) to explain how the referral information is to be specified in "HTML documents with referral links", specifying a "predefined format" of the URL into which the associate ID and product ID will be embedded;
- the "<H3>" line in Fig. 7, illustrating one of these URLs embedded into a Web page;
- col. 17, lines 38 - 41 (beginning "For each book you recommend, link to it us like this:"), reciting instructions that are provided to associates for creating these static links. Col. 10, lines 65 - 67 also refers to this text in Appendix A as conveying "linking instructions" to new associates; and
- col. 11, lines 1 - 19, describing the URL format for specifying referral links, and stating (in lines 16 - 19) that the associate can "begin to build" the content that will

contain this static referral syntax.

The URL is invoked when the user wishes to view a product at the merchant's site. Applicant's invention, on the other hand, sends TV context information in a series of messages that corresponds to the consumer's payment for a transaction. A 4-party version and a 3-party version of this technique are defined, as will now be described.

In the 4-party version of Applicant's invention, illustrated by the flows in Fig. 3, the issuing bank (or gateway; hereinafter "issuer") of the consumer's credit/debit card provides a signed token authorizing payment for a transaction, along with a digital signature that is computed in view of the TV context information the issuer has received from the consumer. See message flow 310, where the TV context information is initially transmitted to the issuer, and message flows 315, 320, where the signed token and TV context information are transmitted from the issuer (through the consumer) to the merchant.

Page 20, line 20 - p. 21, line 1 of Applicant's specification states that the message sent from the consumer to the issuer at 310 is digitally signed by the consumer's wallet program "to ensure that the TV context and other information cannot be altered". Page 22, lines 2 - 9 explain that the issuer verifies the digital signature on this message 310, and then creates and sends the signed token and TV context information in message 315. The signature of this issuer is verified by the merchant (p. 22, lines 10 - 11), thereby ensuring that the transaction is authorized, but the signature prevents the merchant from altering any of the data in the signed authorization --

specifically, for purposes of the present discussion, from altering the TV context information (as explicitly stated on p. 22, lines 14 - 16).

Notably, the merchant passes this signed authorization token and TV context information unchanged to the acquiring bank (or gateway; hereinafter "acquirer"). See message flow 325, and the corresponding text at p. 22, lines 17 - 20. Upon receiving this message 325, the acquirer validates the signature on the token, and can then use the TV context information to allocate funds associated with the transaction. See p. 22, lines 20 - 22.

Page 23, lines 3 - 7 also discusses this protection of the TV context information, stating that "[a]n important aspect of the present invention" is that any modification by the merchant would be detected by the acquirer, resulting in denial of payment to the merchant.

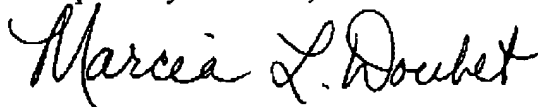
In the 3-party version of Applicant's invention, illustrated by the flows in Fig. 4, the consumer is responsible for computing the signature that protects the TV context information from disclosure to the merchant. Accordingly, this signed data (including the TV context information) is sent from the consumer to the merchant (see message flow 410 and corresponding text on p. 24, lines 7 - 10), and when payment for the transaction has been authorized (message flows 415a, 415b, 420a, 420b), the merchant forwards the signed TV context information, unchanged, to the acquirer (see message flow 435 and corresponding text on p. 24, lines 23 - 24). As in the 4-party approach, the acquirer is responsible for validating the signature, and can then use the TV context information to allocate funds associated with the transaction.

Applicant's independent claims have been amended herein to more clearly specify limitations pertaining to the TV context information and its secure transmission. Applicant respectfully submits that independent Claims 1, 20, and 39, as amended herein, are patentable over the cited references. Therefore, Applicant's dependent claims are patentable over the cited references as well. The Examiner is therefore respectfully requested to withdraw the §103(a) rejection.

II. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,



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